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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,906	02/10/2004	Takehiko Konja	MAT-8503US	1203
23122	7590	04/05/2007	EXAMINER	
RATNERPRESTIA			DABNEY, PHYLESHA LARVINIA	
P O BOX 980			ART UNIT	
VALLEY FORGE, PA 19482-0980			PAPER NUMBER	
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/05/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/775,906

Applicant(s)

KONJA ET AL.

Examiner

Phylesha L. Dabney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/17/05; 2/10/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

This action is in response to the application filed on 10 February 2004 in which claims 1-10 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-10 recites the limitation "the side wall". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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2. Claims 1-3, 6, and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jung (U.S. Patent No. 5,697,124).

Regarding claims 1-3, 6, and 9-10, Jung teaches an opening and closing device comprising: a stator (44) having a stator cam; and a rotor (43) having a rotor cam urged to the stator cam by a spring (5), and rotatable with respect to the stator; wherein the stator cam has a first inclined plane on the side wall; and the rotor cam has a second inclined plane on the side wall; and the first inclined plane and the second inclined plane are capable of moving in contact with each other (figs. 4-8).

Regarding claim 6, Jung teaches the opening and closing device of claim 1 for use in electronic equipment, the electronic equipment (figs. 1-9) comprising: a fix housing (106) having at least one of an operating part and inherently a sound input part formed on a top face thereof; and a movable housing (112) having at least one of a display and inherently a sound output part formed on a surface thereof; wherein the stator (40) is attached to the movable housing; and the rotor (50) is attached to the fix housing.

Regarding claim 7, see the rejection of claims 1 and 6.

3. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Okuda (U.S. Patent No. 6,459,887).

Regarding claims 1-3 and 9-10, Okuda teaches an opening and closing device comprising: a stator (44) having a stator cam; and a rotor (43) having a rotor cam urged to the stator cam by a spring (5), and rotatable with respect to the stator; wherein the stator cam has a first inclined plane on the side wall; and the rotor cam has a second inclined plane on the side

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wall; and the first inclined plane and the second inclined plane are capable of moving in contact with each other (figs. 4-8).

Regarding claim 4, Okuda teaches the opening and closing device of claim 1, wherein the first inclined plane (stator, figs. 5-6) includes a plurality of inclined planes of different angles of inclination and the second inclined plane (rotor, figs. 5-6) includes a plurality of inclined planes of different angles of inclination.

Regarding claim 5, Okuda teaches the opening and closing device of claim 1 for use in electronic equipment, the electronic equipment (figs. 1-3) comprising: a fix housing (1) having at least one of an operating part and inherently a sound input part formed on a top face thereof; and a movable housing (2) having at least one of a display (21) and inherently a sound output part formed on a surface thereof; wherein the stator (at 13; figs. 3-4) is attached to the fix housing; and the rotor (at 22; figs. 3-4) is attached to the movable housing.

Regarding claims 7-8, see the rejection of claims 1 and 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
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Alexandria, VA 22313-1450

Or faxed to:

(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.


Hand-delivered responses should be brought to:

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April 1, 2007

PLD


CURTIS KENTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600